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and The Kroger Co.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CALCULATED INDUSTRIES, INC.,  
a Nevada corporation, and CONSTRUCTION  
MASTER TECHNOLOGIES, INC., a  
Nevada corporation,

Plaintiffs,

Case No. 3:06-cv-00049-LRH-VPC  
CURRENTLY PENDING IN THE  
DISTRICT OF NEVADA

v.

~~PROPOSED~~ STIPULATED ORDER  
OF DISMISSAL WITHOUT  
PREJUDICE

SYNAPSE RETAIL VENTURES,  
a Connecticut corporation, THE KROGER  
CO., an Ohio corporation, and DOES  
1 - 10,

Defendants.

Pursuant to the joint stipulation signed by all parties who have appeared in this Action,  
and pursuant to Rule 41(a)(1), Fed. R. Civ. P., the Court hereby ORDERS:

1           1.       that the Complaint of Plaintiffs is DISMISSED WITHOUT PREJUDICE;

2           2.       that the Counterclaims of Defendants are DISMISSED WITHOUT PREJUDICE;

3 and

4           3.       that the parties shall bear their own attorneys' fees and costs.

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6 This Stipulation has been reviewed and approved as to form and substance by counsel for the  
7 parties, as follows:

8 By: s/ Peter C. Schechter  
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15      Counsel for Defendants

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Counsel for Plaintiffs

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17 IT IS SO ORDERED:

18  
19 

20 UNITED STATES DISTRICT JUDGE

21 DATED: 11/22/06  
22  
23  
24  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 20, 2006 all counsel of record who are deemed to have consented to electronic service are being served with a copy of **[PROPOSED] STIPULATED ORDER OF DISMISSAL WITHOUT PREJUDICE** via the Court's CM/ECF system per Local Rule 5-3.

Dated: November 20, 2006.

s/Annette P. McGuire